IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 14508 of 2007(B)

PETITIONER:

ADVANCED AUTO FUEL INDIA PRIVATE LIMITED (A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956), PILATHARA, KANNUR DISTRICT, REP.BY ITS MANAGING DIRECTOR SRI.O.K.RAVINDRAN, S/O.KRISHNAN NAMBIAR, AGED.54 YEARS, BUSINESS, CHERUTHAZHAM.P.O., KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:
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1. **ABDUL KADER.C.T., S/O.V.P.M.ABDUL AZEEZ MASTER, IV/346, CHERUTHAZHAM, PILATHARA, MATHAMANGALAM ROAD, PILATHARA.P.O., KANNUR DISTRICT.**

2. **DERMMAL PADMINI, W/O.MINI,AGED.52 YEARS, NO ACCUPATION, CHERUTHAZHAM AMSOM DESOM, MATHAMANGALAM ROAD, PILATHARA.P.O., KANNUR DISTRICT.**

3. **P.P.KUNHIRAMAN, S/O.CHIRUKANDAN, PUTHIYA PURAYIL HOUSE, NO OCCUPATION, CHERUTHAZHAM AMSOM DESOM, MATHAMANGALAM ROAD, PILATHARA.P.O, KANNUR DISTRICT.**

4. **THE SUPERINTENDENT OF POLICE, KANNUR.**

5. **THE SUB INSPECTOR OF POLICE, PAZHAYANGADI.**

6. **THE STATE OF KERALA, REP.BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.KALEESWARAM RAJ FOR R2 AND R3
ADV. SRI.T.SREEKANTAN FOR R2 AND R3
GOVT.PLEADER SRI.P.A.SALIM FOR R4 TO R6

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT DATED 15.2.2007 IN W.P.(C).24169/2006B ON THE FILE OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P2: COPY OF HTE PROCEEDINGS IN REF: D4.34049/2005 DATED 3.4.2007 ON THE FILE OF THE ADDITIONAL DISTRICT MAGISTRATE, KANNUR.

EXT.P3: COPY OF THE "NO OBJECTION CERTIFICATE" DATED 3.4.2007 ISSUED BY THE ADDITIONAL DISTRICT MAGISTRATE, KANNUR TO THE GENERAL MANAGER, AUTO GAS ENERGY INDIA LTD., KOCHI

EXT.P4: COPY OF THE JUDGMENT IN W.P.(C).5146/2006 ON THE FILE OF THE HONOURABLE HIGH COURT OF KERALA DATED 24.2.2006.

EXT.P5: COPY OF THE LETTER DATED 16.4.2007 ISSUED BY THE MARKETING MANAGER OF AUTO GAS ENERGY INDIA LIMITED, KOCHI.

EXT.P6: COPY OF THE PETITOIN DATED 20.4.2007 FILED BY THE PETITIONER BEFORE THE FOURTH RESPONDENT.

/TRUE COPY/

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.14508 of 2007 B

Dated this the 17th day of July, 2007

Judgment

Koshy, J.

This is a petition for police protection for the installation work of Auto L.P.G. dispensing station. The following order was passed by a Division Bench of this Court on 8.5.2007:

> "There shall be an interim direction, as prayed for against the fifth respondent, the Sub Inspector of Police to provide adequate and effective protection to the petitioner to complete the installation work of the LPG dispensing station in R.S.No.197/14 of Cheruthazham amsom desom of Kannur district provided the petitioner has got the adequate licence/permission by the statutory authorities and there is no prohibitory orders by any court or other authority."

It is the contention of respondent Nos.2 and 3 that required consent and licence were not obtained from the Pollution Control Board. According to the petitioner, that is not required. If consent is necessary and if the

LPG dispensing station is started without consent, it is for the respondents to approach the environmental engineer and to get prohibitory orders and that is also mentioned in the order dated 8.5.2007. Since sufficient protection is granted in the earlier order dated 8.5.2007, we make the interim order dated 8.5.2007 absolute without prejudice to the right of the objectors in getting prohibitory orders from the statutory authorities or civil court.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

M.F.A.NO./2000

JUDGMENT

Dated:17th July, 2007